

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

FILED BY _____ D.C.

05 SEP -9 AM 11: 10

JAMES M. GOULD
CLERK U.S. DISTRICT COURT
WD OF TN, JACKSON

UNITED STATES OF AMERICA,

Plaintiff,

VS.

No. 05-10044-T

MICHAEL ROGERS,

Defendant.

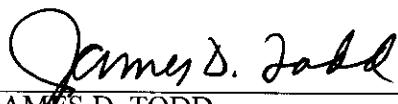
ORDER CONTINUING TRIAL AND REPORT DATE
AND EXCLUDING DELAY

Upon motion of counsel for defendant Michael Rogers, with no objection from the government and for good cause shown, the report date which is currently scheduled for September 15, 2005, and the trial date which is currently scheduled for September 26, 2005, are hereby continued. Defense counsel will be unavailable because her son is scheduled to have surgery. Because of the unavailability of counsel, that motion is hereby granted. The court finds that the unavailability of defense counsel and the defendant's need for continuity of counsel justify this continuance and the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial. Also, defendant contends that additional time is needed for preparation for the trial.

The court finds that the defendant's need for a continuance for additional preparation outweighs the best interests of the public and the defendant in a speedy trial; therefore, the ends of justice will be served by granting a continuance in order to allow the defendant more time to prepare for trial. Accordingly, the trial is continued from September 26, 2005, to October 5, 2005, at 9:30 A.M. The resulting period of delay, from September 26, 2005, to October 5, 2005, is excluded pursuant to 18 U.S.C. § 3161(h)(8)(A).

A new report/motion date has been set for September 26, 2005, 9:15 a.m.

IT IS SO ORDERED.


JAMES D. TODD
UNITED STATES DISTRICT JUDGE

DATE

This document entered on the docket sheet in compliance
with Rule 55 and/or 32(b) FRCrP on 9/9/05

(18)



Notice of Distribution

This notice confirms a copy of the document docketed as number 18 in case 1:05-CR-10044 was distributed by fax, mail, or direct printing on September 9, 2005 to the parties listed.

James W. Powell
U.S. ATTORNEY'S OFFICE
109 S. Highland Ave.
Ste. 300
Jackson, TN 38301

M. Dianne Smothers
FEDERAL PUBLIC DEFENDER
109 S. Highland Ave.
Ste. B-8
Jackson, TN 38301

Honorable James Todd
US DISTRICT COURT